

REMARKS

Claims 40, 46, 47, 49-51, and 53-54 are pending and under consideration.

Applicants have amended the specification to provide relevant information about the deposit of 3B10 with the ATCC. Applicants' amendment does not add new matter.

Applicants have amended claim 40 to address the Examiner's rejection based on alleged lack of proper antecedent basis. Applicants have also amended claim 40 to refer to the ATCC designation for Applicants' deposit, as reflected in the accompanying certificate of deposit. No new matter has been introduced. Applicants respectfully request reconsideration in view of the following remarks. The Examiner's rejections and comments are addressed below in the order they were raised in the Office Action.

1. Applicants note with appreciation that the finality of the previous Office Action has been withdrawn in view of Applicants' Request for Continued Examination. Applicants also note that the submission filed January 7, 2010 has been entered.

Objections under 35 U.S.C. § 112, first paragraph

2. The specification is objected to under 35 U.S.C. 112, first paragraph, as allegedly failing to provide an adequate written description and failing to adequately teach how to make and/or use the invention. Applicants traverse.

Applicants respectfully disagree. Nevertheless, to expedite prosecution, Applicants have made an original deposit of a hybridoma 3B10 which produces the 3B10 antibody described in the specification, and have amended the specification and claim 40 to provide appropriate reference to the deposit. Applicants have also provided herewith a Statement of Deposit and supporting exhibits of the deposit in compliance with 37 CFR 1.801-1.809. Applicants will provide shortly, under separate cover, a statement from one of the inventors of the instant application verifying that the deposit is an original deposit in compliance with 37 CFR 1.804. Applicants' submissions are believed to obviate the objection.

Claim Rejections under 35 U.S.C. § 112, second paragraph

3. Claims 40, 46, 47, 49-51, 53, and 54 are rejected under 35 U.S.C. 112, second paragraph, as allegedly indefinite. Applicants traverse.

To expedite prosecution, Applicants have amended claim 40 as outlined above. Applicants' amendment is believed to address the outstanding rejections under 35 U.S.C. 112, second paragraph. Reconsideration and withdrawal of the rejection are requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited.

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Applicants believe no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. GUH-026-101 from which the undersigned is authorized to draw.

Dated: August 2, 2010

Respectfully submitted,

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